

U.S. Application No. 10/826,279  
Docket No. 2658-0317P  
Response to Office Action Mailed December 6, 2005  
Art Unit: 2879  
Page 12 of 21

**REMARKS**

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-27 were pending prior to the Office Action. Claims 28-32 are added through this Reply. Therefore, claims 1-32 are pending. Claims 1, 12 and 21 are independent.

**SCOPE OF CLAIMS NOT ALTERED**

In this Reply, claims 12, 21 and 25 are amended merely to address informal issues. It is intended that the scopes of the claims are not narrowed by the amendments.

**§ 102 REJECTION – OGURA**

Claim 1 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Ogura (JP 03022393 A). *See Office Action, page 2.* Applicant respectfully traverses.

In the Office Action, the Examiner merely makes a conclusory statement that the English Abstract and Figure 1 of Ogura discloses all features as recited in claim 1. There is no indication provided in the Office Action regarding what elements in Figure 1 of Ogura that the Examiner considers to equivalent to the first electrode, the second electrode, the organic EL layer and the dielectric

U.S. Application No. 10/826,279  
Docket No. 2658-0317P  
Response to Office Action Mailed December 6, 2005  
Art Unit: 2879  
Page 13 of 21

layer as recited. As such, the Office Action fails to provide a reasoned statement sufficient to explain the basis of the rejection so that the Applicant can understand it. MPEP § 707.07(d) clearly states that when a claim is refused for any reason related to the merits thereof, the ground of rejection must be fully and clearly stated. By merely making conclusory statements without providing the basis thereof, a requirement stated in the MPEP is not fulfilled in the Office Action.

Regardless, the English Abstract of Ogura mentions only three elements in Figure 1 - namely the insulating layer 8, the luminous layer 7 and an electrode 9. Thus, the information contained in Ogura is insufficient as a basis to reject the claim.

For at least the above stated reasons, Applicant respectfully requests that the rejection of claim 1 based on Ogura be withdrawn.

#### § 103 REJECTION – LEWANDOWSKI

Claims 1, 9-12, 18 and 21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lewandowski et al. (U.S. Publication 2005/0023972). *See Office Action, pages 3-5.* Applicant respectfully traverses.

Lewandowski et al. is directed toward a method of printing electroluminescent lamps. As illustrated in Figures 1 and 2 of Lewandowski et

al., the lamp consists of a front electrode 15, a second layer 16, a dielectric layer 17 and a rear electrode 18. The second layer 16 is printed with phosphor being coated and cured so that the phosphor is distributed on the second layer. *See Lewandowski et al., paragraph [0009].* In this type of a lamp, light is emitted when the phosphor is excited with electricity which generates a field effect. *See paragraph [0002].*

A phosphor layer is completely different from an organic EL layer. One of ordinary skill in the art would realize that the mechanism to generate light using a phosphor layer is completely different from the mechanism to generate light using an organic EL layer. Also, phosphors are inorganic. Thus, Lewandowski et al. does not teach or suggest the organic EL layer as recited in claim 1.

The Examiner admits as much in the Office Action. However, the Examiner alleges that the EL device being organic is inferred in paragraph [0004] of Lewandowski et al.

Paragraph [0004] actually describes the problems that Lewandowski et al. identifies regarding conventional EL lamps. Lewandowski et al. states "Further, these existing lamps require high amperage draws contain high levels of volatile organic components, and have long cure times." *Emphasis added.* In other words, Lewandowski et al. states that the presence of organic

U.S. Application No. 10/826,279  
Docket No. 2658-0317P  
Response to Office Action Mailed December 6, 2005  
Art Unit: 2879  
Page 15 of 21

components is a problem. Thus, contrary to the Examiner's allegation, Lewandowski et al. actually teaches away from the organic EL layer.

In addition, Lewandowski et al. is entirely silent regarding a substrate of any type. For at least the reasons stated above, claim 1 is distinguishable over Lewandowski et al.

Independent claim 12 recites, in part "a transparent substrate" and "an organic EL layer". Clearly, Lewandowski et al. does not teach or suggest these features, and indeed teaches away from the organic EL layer. Therefore, independent claim 12 is distinguishable over Lewandowski et al.

Independent claim 21 recites, in part "forming a first electrode on a substrate" and "forming an organic EL layer on the first electrode". As demonstrated above, Lewandowski et al. does not teach or suggest at least these features. Therefore, independent claim 21 is distinguishable over Lewandowski et al.

Further, the Examiner takes official notice that organic EL devices are well known and it would be obvious to implement the organic device in place of the inorganic EL device of Lewandowski et al. Applicant respectfully challenges this official notice and requests that the Examiner provide adequate prior art references and provide a reasonable basis to combine Lewandowski et al. with such references, if found.

U.S. Application No. 10/826,279  
Docket No. 2658-0317P  
Response to Office Action Mailed December 6, 2005  
Art Unit: 2879  
Page 16 of 21

Claims 9-11 and 18 dependent from independent claims 1 and 12 directly or indirectly. Therefore, for at least the reasons stated above with respect to independent claims 1 and 12, these dependent claims are also distinguishable over Lewandowski et al.

Applicant respectfully requests that the rejection of claims 1, 9-12, 18 and 21 based on Lewandowski et al. be withdrawn.

§ 103 REJECTION – LEWANDOWSKI, HIRAGA

Claims 2, 6 and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lewandowski et al. in view of Hiraga et al., (U.S. Publication 2004/0195206). *See Office Action, page 5.* Applicant respectfully traverses.

Claims 2, 6 and 16 depend from independent claims 1 and 12, directly or indirectly. It is amply illustrated above that independent claims 1 and 12 are distinguishable over Lewandowski et al. Hiraga et al. is not relied upon to correct for at least the above noted deficiencies of Lewandowski et al. Therefore, independent claims 1 and 12 are distinguishable over the combination of Lewandowski et al. and Hiraga et al. Claims 2, 6 and 16 are also distinguishable over the combination of Lewandowski et al. and Hiraga et al., as these claims depend on claims 1 or 12.

U.S. Application No. 10/826,279  
Docket No. 2658-0317P  
Response to Office Action Mailed December 6, 2005  
Art Unit: 2879  
Page 17 of 21

Moreover, the following is noted. As demonstrated above, Lewandowski et al. actually teaches away from organic luminescent layers. In the Office Action, the Examiner alleges that Hiraga et al. teaches utilizing organic materials. Thus, it would be unobvious to combine Lewandowski et al. with Hiraga et al., since Lewandowski et al. teaches away from organic materials.

For at least the reasons stated above, Applicant respectfully requests that the rejection of claims 2, 6 and 16 based on Lewandowski et al. and Hiraga et al. be withdrawn.

#### § 103 REJECTION – LEWANDOWSKI, YAMAZAKI

Claims 3, 7 and 8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lewandowski et al. in view of Yamazaki et al., (U.S. Publication 2005/0206313). *See Office Action, page 6.* Applicant respectfully traverses.

Claims 3, 7 and 8 depend from independent claim 1, directly or indirectly. It is demonstrated above that claim 1 is distinguishable over Lewandowski et al. Yamazaki et al. is not relied upon to correct for at least the above-noted deficiencies of Lewandowski et al. Therefore, claim 1 is distinguishable over the combination of Lewandowski et al. and Yamazaki et al.

Therefore, dependent claims 3, 7 and 8 are also distinguishable over the combination of Lewandowski et al. and Yamazaki et al.

Moreover, the rejection lacks proper motivation. In the Office Action, the Examiner relies upon paragraph [0190] of Yamazaki et al. to allegedly teach an antioxidant material. Then, the Examiner alleges that one of ordinary skill in the art would include barium oxide in Lewandowski et al.'s dielectric layer to strengthen the overall oxidation prevention function. However, such motivation is not found either within Lewandowski et al. or Yamazaki et al. *See MPEP §2143.01*. Thus, the alleged motivation to combine the references fails.

Further, Lewandowski et al. in paragraph [0190] indicates a housing member to seal the device as illustrated in Figure 5C should be provided. Within the housing member, Yamazaki et al. suggests that barium oxide may be provided. However, there is no teaching that suggests forming a dielectric with barium oxide. Thus, when Yamazaki et al. is taken in its entirety, there is no suggestion or motivation to make the modification as proposed by the Examiner. *See MPEP §2141.02 and §2143.01*.

For at least the above stated reasons, Applicant respectfully requests that the rejection of claims 3, 7 and 8 based on Lewandowski et al. and Yamazaki et al. be withdrawn.

U.S. Application No. 10/826,279  
Docket No. 2658-0317P  
Response to Office Action Mailed December 6, 2005  
Art Unit: 2879  
Page 19 of 21

§ 103 REJECTION – LEWANDOWSKI, HIRAGA, YAMAZAKI

Claims 4-5, 14-17, 19 and 23-27 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lewandowski et al., Hiraga et al. and Yamazaki. *See Office Action, pages 6-8.* Applicant respectfully traverses.

The rejected claims dependent from independent claims 1, 12 and 21 directly or indirectly. It is demonstrated above that the independent claims are distinguishable over Lewandowski et al. Also as demonstrated above, Hiraga et al. and/or Yamazaki cannot be relied upon to correct for at least the above-noted deficiencies of the independent claims. Therefore, independent claims 1, 12 and 21 are distinguishable over the combination of Lewandowski et al., Hiraga et al. and Yamazaki.

Therefore, dependent claims 4-5, 14-17, 19 and 23-27 should also be distinguishable over the combination of Lewandowski et al., Hiraga et al. and Yamazaki.

Moreover, neither Hiraga et al. nor Yamazaki can be combined with Lewandowski et al.

For at least the above stated reasons, Applicant respectfully requests that the rejection of claims 4-5, 13-17, 19 and 23-27 based on Lewandowski et al., Hiraga et al. and Yamazaki be withdrawn.

U.S. Application No. 10/826,279  
Docket No. 2658-0317P  
Response to Office Action Mailed December 6, 2005  
Art Unit: 2879  
Page 20 of 21

**NEW CLAIMS**

Claims 28-32 are added through this Reply. All new claims are distinguishable over the cited references, individually or in any combination. Applicant respectfully requests that the new claims be allowed.

**CONCLUSION**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

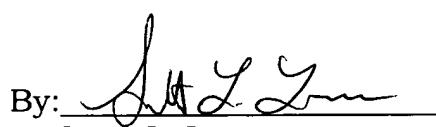
U.S. Application No. 10/826,279  
Docket No. 2658-0317P  
Response to Office Action Mailed December 6, 2005  
Art Unit: 2879  
Page 21 of 21

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

**Date: Mar. 6, 2006**

BIRCH, STEWART, KOLASCH &, BIRCH, LLP

By:   
Scott L. Lowe  
Reg. No. 41,458

HNS//  
SLL/HNS/bsh

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000